

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Max Bernstein	Team: Team # 6	CCRB Case #: 201208373	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 06/29/2012 1:00 AM	Location of Incident: § 87(2)(b)	Precinct: 46	18 Mo. SOL 12/29/2013	EO SOL 12/29/2013	
Date/Time CV Reported Fri, 06/29/2012 2:23 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 06/29/2012 2:23 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Anthony Donato	07509	948904	046 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jason Cruz	11637	941599	046 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Anthony Donato	Abuse: PO Anthony Donato entered and searched § 87(2)(b)	§ 87(2)(b)
B.POM Anthony Donato	Abuse: PO Anthony Donato threatened to seize § 87(2)(b)'s property.	§ 87(2)(b)
C.POM Anthony Donato	Abuse: PO Anthony Donato threatened to arrest § 87(2)(b)	§ 87(2)(b)

### Case Summary

On June 29, 2012, § 87(2)(b) filed this complaint with the CCRB via telephone. On July 5, 2012, § 87(2)(b) provided an in-person CCRB statement, which is summarized below.

On June 29, 2012, at approximately 1:00 a.m., § 87(2)(b) was inside of his apartment, located at § 87(2)(b) in the Bronx, with one male friend and three female friends. Two uniformed police officers (identified through investigation as Officer Jason Cruz and Officer Anthony Donato of the 46<sup>th</sup> Precinct) knocked on § 87(2)(b)'s door. § 87(2)(b) opened his front door and spoke with Officer Cruz, who told him that the officers were responding to reports of a fight taking place inside of § 87(2)(b)'s apartment. § 87(2)(b) denied any fight taking place. Officer Donato then proceeded to walk into § 87(2)(b)'s apartment and look inside of the bathroom and kitchen without permission to do so. While inside of the apartment, Officer Donato told § 87(2)(b) to turn down his radio, or else he would seize the entire stereo system. Officer Donato then left § 87(2)(b) apartment and both officers went outside and walked to their RMP. § 87(2)(b) leaned out of his apartment window and yelled to Officer Donato that what he did was wrong. Officer Donato yelled back to § 87(2)(b) "Don't make me come back into your apartment and arrest you." Both officer then left the scene without arresting § 87(2)(b) or issuing him a summons.

§ 87(2)(b) indicated that one officer was named "Cruz" which he read off of that officer's nameplate. He described Officer Cruz as a Hispanic Male with short black hair, in his 30s. According to the 46<sup>th</sup> Precinct Tour 1 ARCS from June 29, 2012, Officer Jason Cruz was the only officer with the last name "Cruz" working at the time of the incident. He was patrolling sectors E and F with Officer Anthony Donato. Officer Donato is a § 87(2)(b)-old white male, and § 87(2)(b) indicated that the officer who entered his home was a white male, younger than Officer Cruz. § 87(2)(g)

On July 5, 2012, § 87(2)(b) was scheduled to appear at the CCRB to provide a sworn statement on July 18, 2012. § 87(2)(b) failed to appear for his interview without calling to cancel or reschedule. On July 20, 2012, July 27, 2012, and July 30, 2012, § 87(2)(b) was attempted by telephone in order to reschedule his appointment. On two of the occasions, voicemail messages were left for § 87(2)(b) and on the remaining occasion, a voicemail message could not be left as § 87(2)(b)'s voice mailbox was full. Additionally, on July 18, 2012, a missed appointment letter was sent to § 87(2)(b). To date, § 87(2)(b) has not contacted the CCRB, nor has the letter sent to him been returned to the CCRB stamped "return to sender" by the United States Postal Service (USPS). § 87(2)(g)

---

Team: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature                      Print                      Date

Reviewer: \_\_\_\_\_  
Title/Signature                      Print                      Date

Reviewer: \_\_\_\_\_  
Title/Signature                      Print                      Date